

-- REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED --

EXHIBIT 1

Exhibit 1 to Declaration of John Soumilas, Esquire in Support of Plaintiff's Motion to Certify Class
Ramirez v. Trans Union, LLC No. 12-cv-00632-JSC

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CONFIDENTIAL

SERGIO L. RAMIREZ, on behalf)
of himself and all others)
Similarly situated,)
Plaintiff,)
-vs-) No. 3:12 cv 632
TRANS UNION, LLC,)
Defendant.)

The CONFIDENTIAL videotaped deposition of MICHAEL O'CONNELL, called for examination pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Deanna M. Amore, a Certified Shorthand Reporter within and for the County of DuPage and State of Illinois, at 205 North Michigan Avenue, Chicago, Illinois, on the 13th day of December 2013 at the hour of 8:58 o'clock a.m.

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1 that we're clear about the question, does accuracy
2 mean something different to your clients than it
3 would to somebody else?

4 MR. NEWMAN: Objection.

5 Go ahead.

6 THE WITNESS: Accuracy means something
7 different for each client.

8 BY MR. GORSKI:

9 Q. Well, what's your client's expectations of
10 accuracy in the context of selling the OFAC add-on?

11 A. Their interpretation of the regulatory
12 requirements.

13 Q. Again, I'm not following you. When you
14 say accuracy and their interpretation of the
15 regulatory requirements, I don't know how that --
16 I don't know how that -- they are similar in any
17 way. What I'm asking is do your clients have an
18 expectation that the product that you're selling
19 them is going to provide an accurate result?

20 MR. NEWMAN: Objection. Vague.

21 THE WITNESS: To their standards.

22 BY MR. GORSKI:

23 Q. And does their standard include some
24 estimation that a potential match may actually be
25 the person who is designated on an OFAC list?

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1 A. Based on their interpretation of the OFAC
2 regulations.

3 Q. To ask you the question more practically,
4 do your clients have some expectation that the
5 possible matches that Trans Union provides in
6 response to an OFAC add-on has some reasonable
7 basis that it may, in fact, be true?

8 MR. NEWMAN: Objection. Vague.

9 You can answer.

10 THE WITNESS: Generally, yes.

11 BY MR. GORSKI:

12 Q. So other than your consideration of
13 producing a reputable product and what we've
14 discussed about your client's expectations about
15 the product producing an accurate result, is there
16 anything else you considered in the process as to
17 whether or not you would develop and launch this
18 product?

19 A. That was the primary factor.

20 Q. Did you consider feasibility?

21 A. Technical integration.

22 Q. So you considered whether or not Trans
23 Union could build a computer system that could
24 provide this?

25 A. Yes.

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1 Q. Okay. Beyond that, when I say
2 feasibility, was there any other feasibility
3 concerns you had other than just whether the
4 computers could physically produce a response?

5 A. I don't understand that question.

6 Q. Well, we talked -- when I said
7 "feasibility," you said "technical feasibility,"
8 and I understand what you mean is can Trans Union's
9 computers produce the actual product that you are
10 trying to development. Okay? And I guess the
11 determination you made was that they could.

12 A. Yes.

13 Q. But in terms of feasibility, obviously,
14 there is more aspects to producing a product like
15 this other than can you get a computer to do it,
16 correct?

17 A. Not necessarily.

18 Q. Well, you need data, right?

19 A. Yes.

20 Q. Okay. So did you consider how you were
21 going to go about getting data in order to prepare
22 this product?

23 A. Yes.

24 Q. Okay. Well, what did you do -- what were
25 your considerations in that respect?

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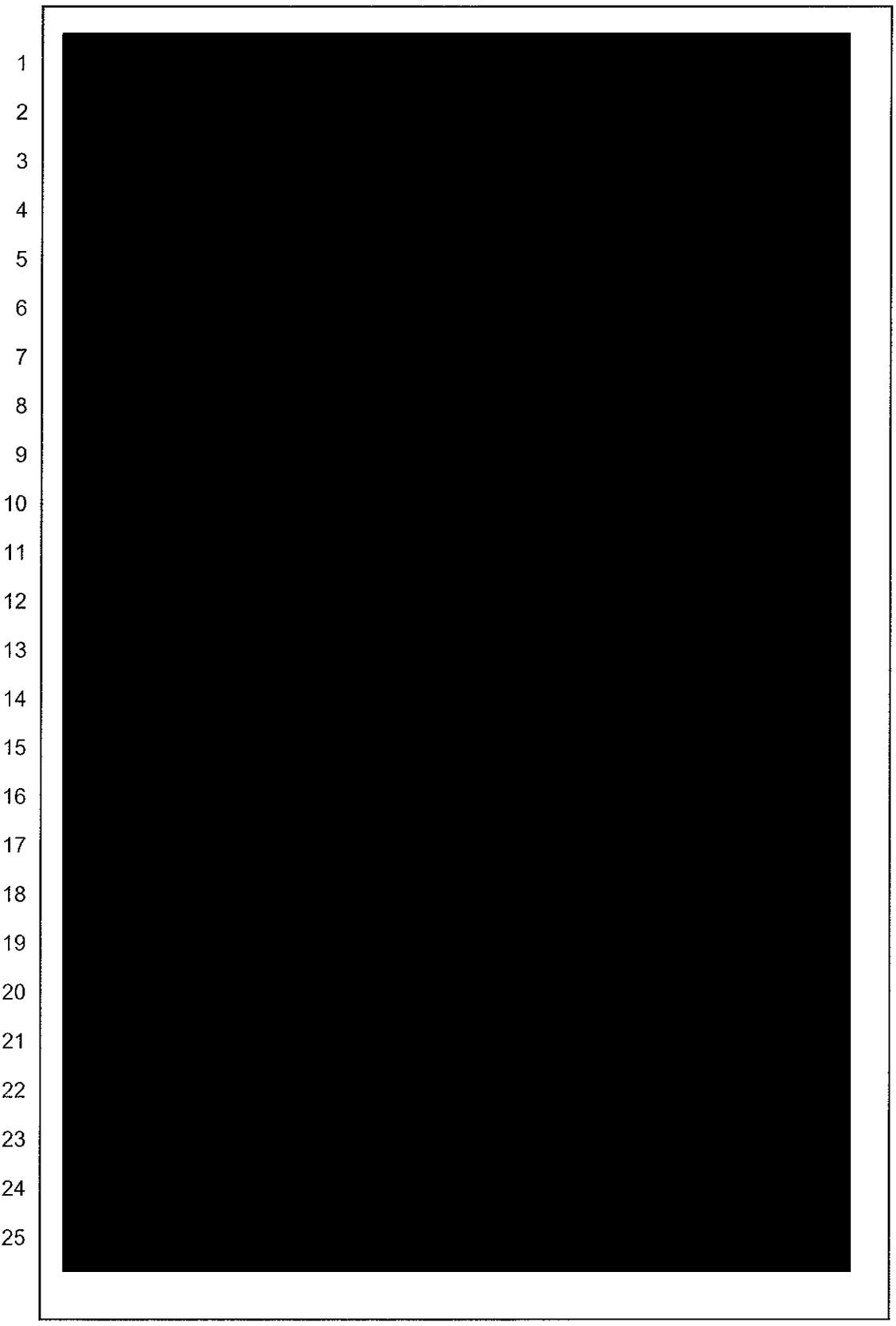
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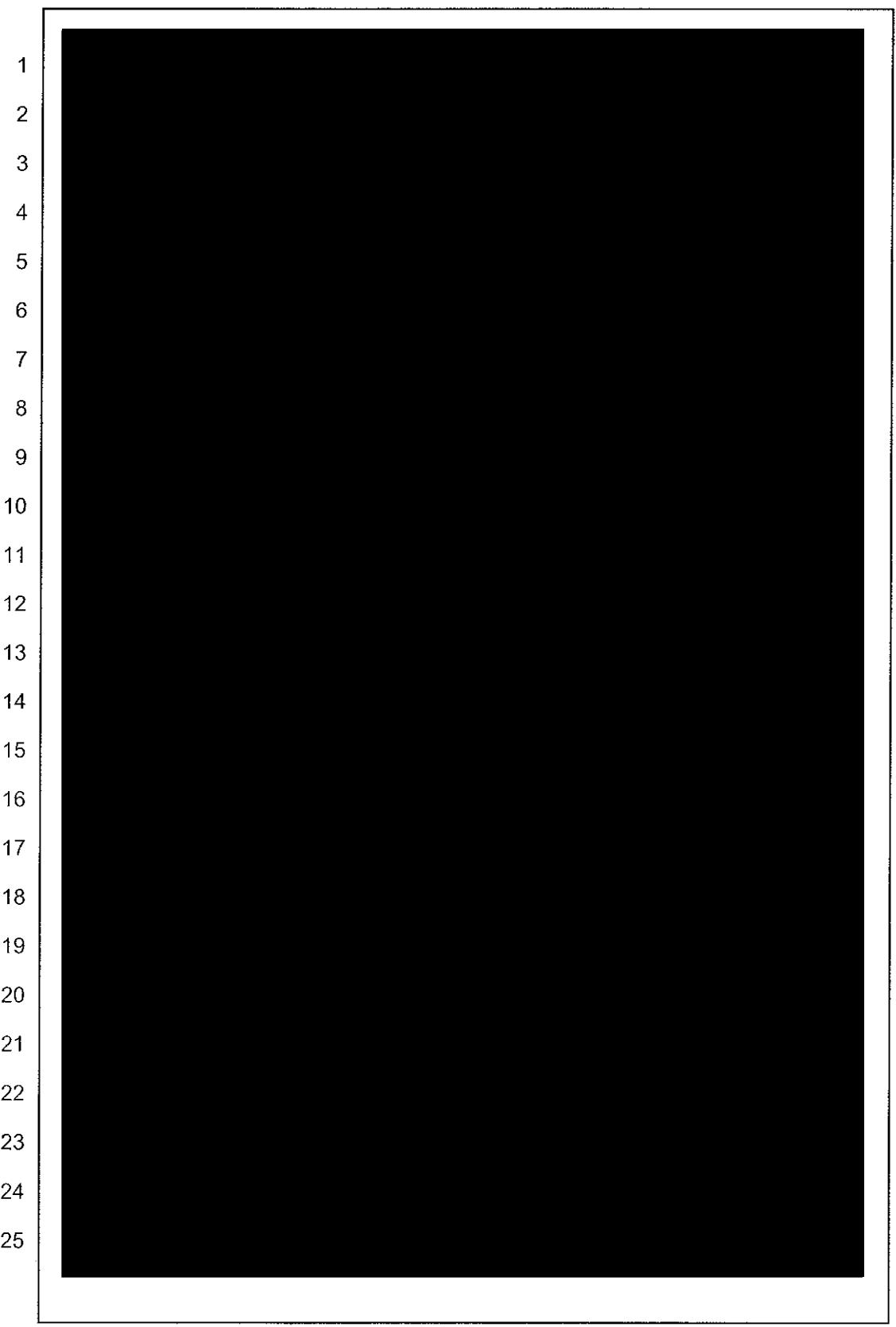
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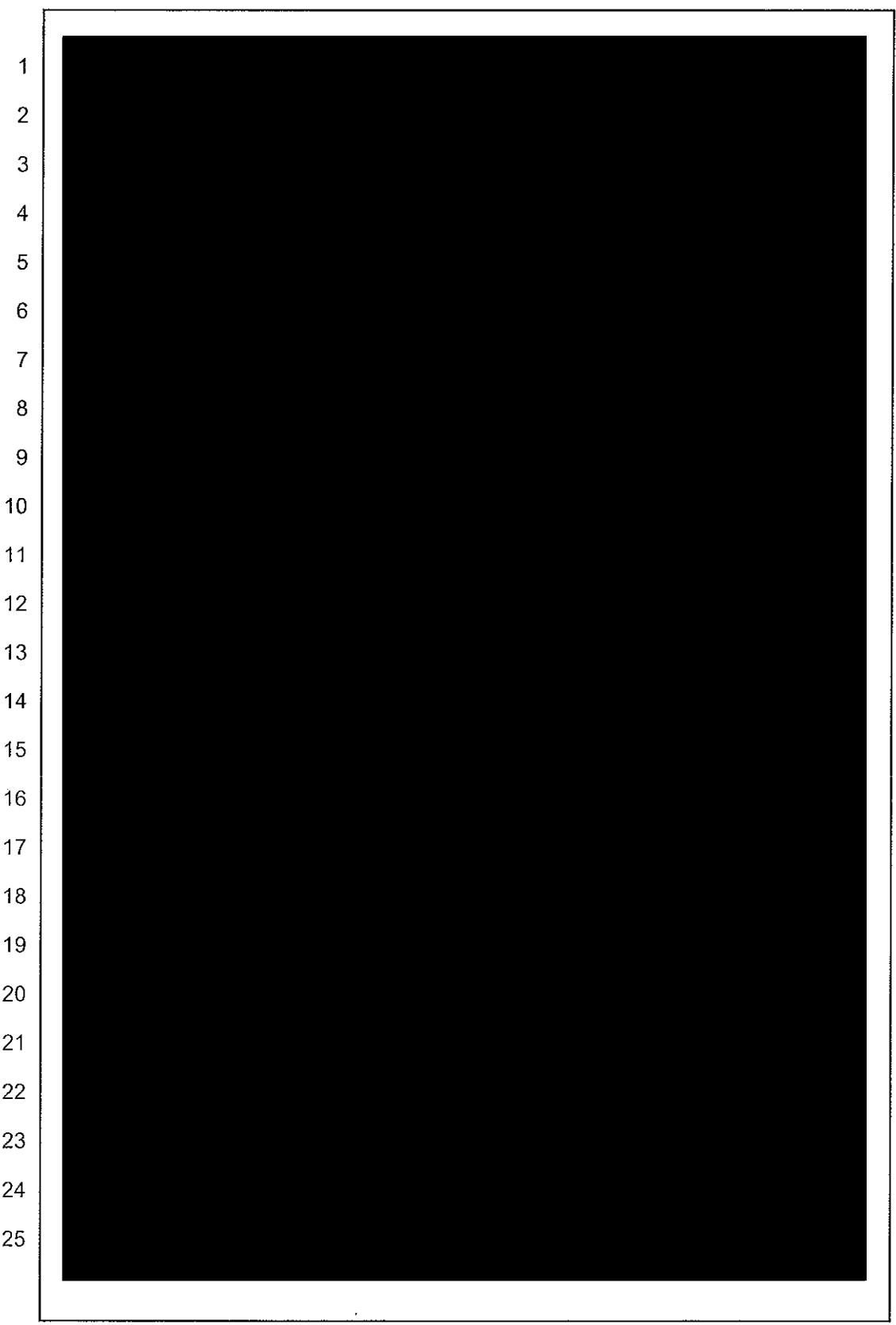
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1 applications, confirming information about the
2 consumer -- identifying information about the
3 consumer application process.

4 Q. Okay. And ID Search?

5 A. Similar.

6 Q. And those are sold without credit data
7 like public records, bank accounts or collection
8 accounts?

9 A. Yes.

10 Q. Or is it a credit report sold under --

11 A. It doesn't have that kind of data on it.

12 MR. GORSKI: I think that's it. I don't have
13 any other questions.

14 Thank you, Mr. O'Connell, for your time.

15 MR. NEWMAN: No questions. The deposition is
16 complete.

17 THE VIDEOGRAPHER: The time is now 4:04 p.m.,
18 and this concludes today's deposition. We are now
19 going off the record.

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF DU PAGE)

4 I, Deanna Amore, a notary public within and for
5 the County of DuPage County and State of Illinois,
6 do hereby certify that heretofore, to-wit, on
7 December 13, 2013, personally appeared before me,
8 at 205 North Michigan Avenue, Suite 2940, Chicago,
9 Illinois, MICHAEL O'CONNELL, in a cause now pending
10 and undetermined in the United States District
11 Court, Northern District of California, wherein
12 SERGIO L. RAMIREZ, on behalf of himself and all
13 others Similarly situated, are the Plaintiffs, and
14 TRANS UNION is the Defendant.

15 I further certify that the said witness was
16 first duly sworn to testify the truth, the whole
17 truth and nothing but the truth in the cause
18 aforesaid; that the testimony then given by said
19 witness was reported stenographically by me in the
20 presence of the said witness, and afterwards
21 reduced to typewriting by Computer-Aided
22 Transcription, and the foregoing is a true and
23 correct transcript of the testimony so given by
24 said witness as aforesaid.

25 I further certify that the signature to the

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1 foregoing deposition was reserved by counsel for
2 the respective parties.

3 I further certify that the taking of this
4 deposition was pursuant to Notice, and that there
5 were present at the deposition the attorneys
6 hereinbefore mentioned.

7 I further certify that I am not counsel for nor
8 in any way related to the parties to this suit, nor
9 am I in any way interested in the outcome thereof.

10 IN TESTIMONY WHEREOF: I have hereunto set my
11 hand and affixed my notarial seal this 16th day of
12 December, 2013.

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NOTARY PUBLIC, DUPAGE COUNTY, ILLINOIS

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